

EXHIBIT A

Schedule D

PLAINTIFFS' LIST OF POTENTIAL WITNESSES¹

1. The following is the list of witnesses that Plaintiffs will call to testify at their case-in-chief, in person:

Witnesses Plaintiffs Intend to Call:

- a. William R. Alonso, Ph.D., of Talecris Biotherapeutics, 4101 Research Commons, 79 TW Alexander Drive, Research Triangle Park, NC 27709.
- b. Clara L. Schreiner, Ph.D., of Talecris Biotherapeutics, 8368 US Highway 70W, Clayton, NC 27520.
- c. Jeffrey Ravetch, M.D., Ph.D., The Rockefeller University, 1230 York Ave., Box 98, New York, NY 10021.
- d. Erwin M. Gelfand, Ph.D., National Jewish Medical and Research Center, 1400 Jackson Street, Denver, CO 80206.

¹ Baxter objects to the inclusion of the witnesses u-oo on Talecris' witness list, all of whom were added in Talecris' third and fourth witness lists (one and zero days before the Pretrial Order was filed with the Court, respectively). Talecris failed to identify these 21 witnesses on the witness list it served on April 13, 2007, as required by the Scheduling Order in this case. Additionally, Talecris has approached the entire pretrial process in a piecemeal fashion, serving four separate exhibit lists (only one of which was timely) and four separate witness lists (only one of which was timely). Talecris' conduct has frustrated Baxter's ability to meet and confer and has not facilitated narrowing this case for trial. Baxter submits that only those exhibits and witnesses identified by Talecris on April 13, 2007 should be included in the Final Pretrial Order.

Talecris disagrees with Baxter's mischaracterization of the process leading to the filing of this Pretrial Order. Talecris initiated and participated in numerous meet and confers and initiated numerous exchanges of information. Baxter's representatives frequently lacked authority to resolve issues, and delayed responses. Additionally, as Baxter provided its schedules, Talecris appropriately amended and modified its schedules, as contemplated by the rules and Orders of this Court. No prejudice whatsoever has been nor can be asserted by Baxter.

- e. Christopher J. Bokhart, Charles River Associates, 101 North Wacker Drive, Suite 1600, Chicago, IL 60606.
- f. Michael C. Carroll, Ph.D., The CBR Institute for Biomedical Research, 800 Huntington Ave, Boston, MA 02115.

2. In addition, the following is a list of witnesses that Plaintiffs may call to testify at their case-in-chief, in person or by deposition (transcript and/or videographic):

Witnesses Plaintiffs May Call:

- a. Terry Tenbrunsel, of Bayer Healthcare, 400 West Morgan Lane, West Haven, CT 06516.
- b. Susan E. Trukawinski, of Talecris Biotherapeutics, 8368 US Highway 70W, Clayton, NC 27520.
- c. Grace C. Tsay, Ph.D., 1762 Oro Valley Circle, Walnut Creek, CA 94596.
- d. William C. Zabel, of Talecris Biotherapeutics, 4101 Research Commons, 79 TW Alexander Drive, Research Triangle Park, NC 27709.
- e. Pinya Cohen, Ph.D., 4681 Northwest 28th Ave., Boca Raton, FL 33434.
- f. George A. Baumbach, Ph.D., of Talecris Biotherapeutics, 4101 Research Commons, 79 TW Alexander Drive, Research Triangle Park, NC 27709.
- g. Teresa M. Blackmon, of Talecris Biotherapeutics, 8368 US Highway 70W, Clayton, NC 27520.
- h. Frank G. Burkert, Ph.D., of Bayer Healthcare 51368 Leverkusen, Germany. Lea Ann Franks, of Talecris Biotherapeutics, 8368 US Highway 70W, Clayton, NC 27520.
- i. David Hammond, Ph.D., of the American Red Cross, 15601 Crabbs

Branch Way, Rockville, MD 20855.

- j. Christine Hansen, Esq., of Connolly Bove Lodge & Hutz, LLP, 1007
Orange Street, Wilmington, Delaware 19899.
- k. Keith R. Kosinski, of Talecris Biotherapeutics, 4101 Research Commons,
79 TW Alexander Drive, Research Triangle Park, NC 27709.
- l. James A. Giblin, Esq., 5 Cheryl Court, Pleasant Hill, CA 94523.
- m. Mary J. Kuhn, of Talecris Biotherapeutics, 8368 US Highway 70W,
Clayton, NC 27520.
- n. Gautam Mitra, Ph.D., 510 Jacala Terrace, Rockville, MD 20850.
- o. Paul Ng, 1008 Leland Drive, Lafayette, CA 94519.
- p. Thomas D. Rains, of Talecris Biotherapeutics, 8368 US Highway 70W,
Clayton, NC 27520.
- q. Joan D. Robertson, of Talecris Biotherapeutics, 8368 US Highway 70W,
Clayton, NC 27520.
- r. Ralph Rousell, M.D., M.Sc., 1905 Wingfield Drive, Longwood, FL
32779-7010.
- s. Margaret W. Savage, Ph.D., of Wyeth Pharmaceuticals, 4305 Oak Park,
Sanford, NC 27330-9728.
- t. Lawrence Stern, of Talecris Biotherapeutics, 4101 Research Commons,
79 TW Alexander Drive, Research Triangle Park, NC 27709.
- u. Matthew M. Fazio, of Baxter Healthcare Corporation, BioScience Group,
One Baxter Way, Westlake Village, CA 91362.

- v. Ron Lloyd, of Baxter Healthcare Corporation, BioScience Group, One Baxter Way, Westlake Village, CA 91362.
- w. Angela L. Blackshere, of Baxter Healthcare Corporation, BioScience Group, One Baxter Way, Westlake Village, CA 91362.
- x. Shu-Len Liu, of Baxter Healthcare Corporation, BioScience Group, One Baxter Way, Westlake Village, CA 91362.
- y. Po-Shing Wah, of Baxter Healthcare Corporation, BioScience Group, One Baxter Way, Westlake Village, CA 91362.
- z. Hans-Peter Schwarz, of Baxter AG, Industriestrasse 67, 1220 Vienna, Austria.
- aa. Valerie DeSchutter, of Baxter S.A., Boulevard Rene Branquart 80, 7860 Lessines, Belgium.
- bb. Christophe Carnewal, of Baxter S.A., Boulevard Rene Branquart 80, 7860 Lessines, Belgium.
- cc. Gerhard Polsler, of Baxter AG, Industriestrasse 67, 1220 Vienna, Austria.
- dd. Wolfgang Teschner, of Baxter AG, Industriestrasse 67, 1220 Vienna, Austria.
- ee. Harald Arno Butterweck, of Baxter AG, Industriestrasse 67, 1220 Vienna, Austria.
- ff. Joel Claude, of Baxter S.A., Boulevard Rene Branquart 80, 7860 Lessines, Belgium.
- gg. Brian Crowe, of Baxter BioScience, Uferstrasse 15, A-2304 Orth, Donau, Austria.

- hh. Edward G. Gomperts, M.D., 1471 Valane Drive, Glendale, CA 91208.
- ii. Lawrence Guiheen, of Baxter Healthcare Corporation, BioScience Group,
One Baxter Parkway, Deerfield, IL 60115.
- jj. Bernhard Kolbl, of Baxter AG, Industriestrasse 67, 1220 Vienna, Austria.
- kk. Jean-Marie Noel, of Baxter S.A., Boulevard Rene Branquart 80, 7860
Lessines, Belgium.
- ll. Mario Ricard of Baxter S.A., Boulevard Rene Branquart 80, 7860
Lessines, Belgium.
- mm. Birgit Umlauf, of Baxter AG, Industriestrasse 67, 1220 Vienna,
Austria.
- nn. Etienne Vandamme, of Baxter S.A., Boulevard Rene Branquart 80, 7860
Lessines, Belgium.
- oo. Dennis Young, of Baxter Healthcare Corporation, BioScience Group, One
Baxter Way, Westlake Village, CA 91362.
- pp. Mary G. Boguslaski, Ph.D., J.D., of Life SciencesLaw, PLLC, 870 Martin
Luther King Blvd, Chapel Hill, NC.

DEFENDANTS' LIST OF POTENTIAL WITNESSES

The following is the list of witnesses that Defendants will call to testify at their case-in-chief, in person:

Witnesses Defendants Intend to Call	
Witness Name and Title	Address
William Alonso, Ph.D., the inventor of United States Patent No. 6,686,191.	102 Tulliallan Lane Cary, NC 27511
Christophe Carnewal, Laboratory Manager – Baxter BioScience	Baxter S.A. Boulevard Rene Branquart 80 7860 Lessines Belgium
Ron Lloyd, Vice President, General Manager - BioTherapeutics and Regenerative Medicine – Baxter	Baxter Healthcare Corporation BioScience Group One Baxter Way Westlake Village, CA 91362
Gerhard Pölsler, Ph.D., Manager - Research Quality Assurance – Baxter	Baxter AG Industriestrasse 67 1220 Vienna Austria
Wolfgang Teschner, Ph.D., Director, Research – Baxter	Baxter AG Industriestrasse 67 1220 Vienna Austria
R. Bruce Den Uyl	AlixPartners LLC 181 West Madison, Suite 4700 Chicago, IL 60602
Thomas Kindt, Ph.D.	109 Buffalo Ridge Court Placitas, NM 87043
Terence Snape, Ph.D.	Swainsea Lodge Swainsea Lane Pickering, North Yorkshire YO18 8AP United Kingdom

In addition, the following is the list of witnesses that Defendants may call to testify at their case-in-chief, in person or by deposition (transcript and/or videographic):

Witnesses Defendants May Call	
Witness Name and Title	Address
George Baumbach, Ph.D., Associate Director - Medical Affairs – Bayer	902 Beddingfield Drive Knightdale, NC 27545
Teresa M. Blackmon, Supervisor - Potency Laboratory – Bayer	100 Austin Avenue Four Oaks, NC 27524
Angela L. Blackshere, Director - Regulatory Affairs – Baxter	Baxter Healthcare Corporation BioScience Group One Baxter Way Westlake Village, CA 91362
Mary Boguslaski, Ph.D., Attorney - Patent and Licensing Group – Bayer	302 Southglen Drive Cary, NC 27518
Frank Burkert, Ph.D., European Patent Attorney - Patent Department – Bayer	Bayer Healthcare Corporation 51368 Leverkusen Germany
Harald Arno Butterweck, Ph.D., Research Scientist - Product Development Immunoglobulins and Albumin R&D – Baxter	Baxter AG Industriestrasse 131 A-1221 Vienna Austria
Joel Claude, Engineering and Maintenance Manager - Bioscience – Baxter	Baxter S.A. Boulevard Rene Branquart 80 7860 Lessines Belgium
Brian Crowe, Ph.D., Director - Research – Baxter	Baxter BioScience Uferstrasse 15 A-2304 Orth, Donau Austria
Valérie De Schutter, Reliability and Compliance Manager - Bioscience – Baxter	Baxter S.A. Boulevard Rene Branquart 80 7860 Lessines

Witnesses Defendants May Call	
Witness Name and Title	Address
	Belgium
Matthew M. Fazio, Senior Marketing Manager - Antibody Therapy Group – Baxter	Baxter Healthcare Corporation BioScience Group One Baxter Way Westlake Village, CA 91362
Lea Ann Franks, QO Product Release Supervisor – Talecris	133 Quail Run Smithfield, NC 27577
James A. Giblin, Associate Patent Counsel (Retired) – Bayer	5 Cheryl Court Pleasant Hill, CA 94523
Edward G. Gomperts, M.D. – Baxter	1471 Valane Drive Glendale, CA 91208
Lawrence Guiheen, President of Biopharmaceuticals – Baxter	Baxter Healthcare Corporation BioScience Group One Baxter Parkway Deerfield, IL 60115
David Hammond, Ph.D., Director - Plasma Manufacturing Technology Group – Bayer	4916 Ripplemead Court Gaithersburg, MD 20882
Christine Hansen, Attorney, Connelly Bove Lodge & Hutz LLP	103 Haverford Road Wilmington, DE 19803
Bernhard Kölbl, Senior Research Associate – Baxter	Baxter AG Industriestrasse 67 1220 Vienna Austria
Keith R. Kosinski, Senior Vice President of Finance – Talecris	Talecris Biotherapeutics, Inc. 4101 Research Commons 79 T.W. Alexander Drive Research Triangle Park Durham, NC 27709
Mary J. Kuhn, Senior Vice President of Operations – Talecris	Talecris Biotherapeutics, Inc. 8368 US 70 West Clayton, NC 27520

Witnesses Defendants May Call	
Witness Name and Title	Address
Shu-Len Liu, Director - Director, Global Project Management - Research – Baxter	Baxter Healthcare Corporation BioScience Group One Baxter Way Westlake Village, CA 91362
Paul Ng, Principal Staff Scientist – Bayer	1008 Leland Drive Lafayette, CA 94519
Jean-Marie Noel, Director - Quality Operations – Baxter	Baxter S.A. Boulevard Rene Branquart 80 7860 Lessines Belgium
Thomas D. Rains, Senior Research Scientist -Talecris	1213 Southern Trace Trail Garner, NC 27929
Mario Ricard, Bioscience Plant Manager and Manufacturing Operations Director – Baxter	Baxter S.A. Boulevard Rene Branquart 80 7860 Lessines Belgium
Joan D. Robertson, Deputy Director of Regulatory Affairs – Bayer	5305 Tinks Place Wendell, NC 27591
Ralph Rousell, M.D., Adverse Reaction Handling - Biological Division Worldwide – Bayer	1905 Wingfield Drive Longwood, FL 32779
Margaret W. Savage, Ph.D., Director of Quality Assurance – Bayer	101 Bastille Court Cary, NC 27511
Clara Schreiner, Ph.D., Product Manager – Bayer	5108 Huntingwood Drive Raleigh, NC 27606
Hans-Peter Schwarz, Ph.D., Associated Professor of Medicine and Vice President - Global Preclinical R&D – Baxter	Baxter AG Industriestrasse 67 1220 Vienna Austria
Terry Tenbrunsel, Vice President Sales and Marketing - Kogenate	400 West Morgan Lane West Haven, CT 06516

Witnesses Defendants May Call	
Witness Name and Title	Address
– Bayer	
Susan Trukawinski, QA Product Line Manager – Bayer	1026 Ivy Lane Cary, NC 27511
Birgit Umlauf, Research Associate – Baxter	Baxter AG Industriestrasse 67 1220 Vienna Austria
Etienne Vandamme, Ph.D., Technical Services Manager – Baxter	Baxter S.A. Boulevard Rene Branquart 80 7860 Lessines Belgium
Po-Shing Wah, Ph.D, Director, Global Technical Services – Baxter	Baxter Healthcare Corporation BioScience Group One Baxter Way Westlake Village, CA 91362
Dennis Young, Vice President - Operations – Baxter	Baxter Healthcare Corporation BioScience Group One Baxter Way Westlake Village, CA 91362
William C. Zabel, Director of Sales - Plasma Products – Talecris	Talecris Biotherapeutics, Inc. 4101 Research Commons 79 T.W. Alexander Drive Research Triangle Park Durham, NC 27709

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF DELAWARE

3 - - -
4 TALECRIS BIOTHERAPEUTICS, : Civil Action
5 INC., : :
6 Plaintiff, : :
7 v. : :
8 BAXTER INTERNATIONAL INC. : :
9 and BAXTER HEALTHCARE : :
10 CORPORATION, : :
11 Defendants. : No. 05-349-GMS

12 - - -
13 BAXTER HEALTHCARE : :
14 CORPORATION, : :
15 Counterclaimant, : :
16 v. : :
17 TALECRIS BIOTHERAPEUTICS, : :
18 INC. and BAYER HEALTHCARE : :
19 LLC, : :
20 Counterdefendants.: :

21 - - -
22 Wilmington, Delaware
23 Thursday, June 14, 2007
24 9:30 a.m.
25 Pretrial Conference

26 - - -
27 BEFORE: HONORABLE GREGORY M. SLEET, U.S.D.C.J.

1 fact witnesses only.

2 THE COURT: That is fine.

3 Why don't you pull out your joint proposed final
4 jury instructions. I think, unless there are any other
5 issues, I am prepared to try to quickly at least go through
6 the tabs.

7 MS. MASON: That is fine, Your Honor. We again
8 have spoken with Baxter. We have agreed to have a further
9 meet-and-confer on these.

10 THE COURT: With that said, would counsel prefer
11 to have another crack?

12 MS. MASON: I believe, Your Honor. I think it
13 would be a much more efficient use of Your Honor's time.

14 THE COURT: Agreed.

15 MR. GILLILAND: Yes.

16 THE COURT: That's fine.

17 MR. BOVE: Your Honor, one other unrelated
18 point. There were two witnesses identified late in the
19 game. One was for Talecris Mr. Larry Stern, the other for
20 Baxter Mr. Larry Goheen (phonetic). Since they were late in
21 the game, and frankly were not on any initial disclosures,
22 or even identified during fact discovery, I had proposed to
23 Baxter in our meet-and-confer on Tuesday evening that we
24 simply obviate the issue, that we were prepared to withdraw
25 Mr. Stern if they were prepared to withdraw Mr. Goheen,

1 because we don't know what either will be saying. And
2 Baxter was equivocal on this point.

3 I wanted to raise it now while we were all here,
4 because if Baxter is unwilling to withdraw Mr. Goheen, I
5 would like to take his deposition, a short deposition.

6 THE COURT: Ms. Rogaski.

7 MS. ROGASKI: Your Honor, neither party raised
8 an objection to either of those witnesses being included on
9 the witness list. This objection was just raised this week.
10 We offered to exchange one-paragraph summaries about the
11 expected subject matter of the witness' testimony. Neither
12 of these witnesses, I don't think, or at least Larry Goheen
13 is not going to be a technical witness diving into the deep
14 issues in this case.

15 He will be introducing Baxter and providing some
16 information about Baxter. We are more than happy to provide
17 a one-paragraph summary to plaintiffs. If Your Honor
18 believes that a deposition is required, of course, we will
19 comply with that. We think it's pretty --

20 THE COURT: Why don't I leave -- it's sounding
21 to me like what you are going to say is it's pretty
22 straightforward stuff and not controversial. Perhaps, with
23 the provision of the summary, you can make an assessment. I
24 will grant leave, should counsel agree, without further
25 application to the Court, that if you feel, Ms. Rogaski has

1 indicated, if you want to take a deposition, Mr. Bove, take
2 a deposition. You have the permission of the Court to do
3 that.

4 MR. BOVE: Thank you, Your Honor.

5 THE COURT: Hopefully, it won't be necessary.
6 It seems to me you have plenty else to do.

7 The last subject, and certainly not the least,
8 that I want to address is to be brought up to date on what
9 if any additional efforts are being made to settle this
10 matter.

11 MR. BOVE: Your Honor, if I may address that.

12 As the Court may or may not be aware, we did
13 spend a day with Magistrate Judge Thyng.

14 THE COURT: I am aware of that.

15 MR. BOVE: And put an effort into this.
16 Magistrate Judge Thyng did contact us by e-mail. I presume
17 she did as well to Baxter.

18 THE COURT: I am sure she did.

19 MR. BOVE: But I don't know that. And I have
20 subsequently conferred at length with Magistrate Judge
21 Thyng. She then was provided information that she
22 requested from us, and indicated that she would basically
23 get back to me with any further response to that
24 information. That's where it was left. I believe this was
25 about two weeks ago, give or take. That's where we stand.

EXHIBIT C



CONNOLLY BOVE LODGE & HUTZ LLP

ATTORNEYS AT LAW

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Associate

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Via E-Mail

June 18, 2007

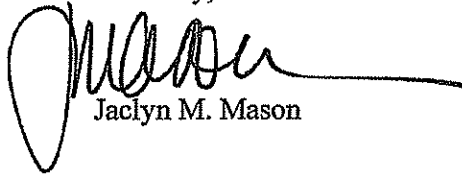
Annie Rogaski, Esquire
Townsend and Townsend and Crew LLP
379 Lytton Avenue
Palo Alto, CA 94301

Re: *Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC v. Baxter International Inc. and Baxter Healthcare Corp.*, No. 05-CV-349 (GMS) (D. Del.)

Dear Annie:

This responds to your June 15 letter. Plaintiffs are not calling Mr. Stern as a trial witness. Please provide us with a summary of Mr. Guiheen's expected trial testimony on June 20, 2007.

Sincerely,



Jaclyn M. Mason

cc: Jeffrey B. Bove, Esq. (via email)
Philip Rovner, Esq. (via email)

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EXHIBIT D

TOWNSEND
and
TOWNSEND
and
CREW
LLP

Palo Alto

379 Lytton Avenue
Palo Alto, California 94301-1431
Tel 650.326.2400
Fax 650.326.2422

June 20, 2007

VIA EMAIL

Jaclyn M. Mason, Esq.
Connolly Bove Lodge & Hutz LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899-2207

Re: *Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC v. Baxter International Inc. and Baxter Healthcare Corporation* and related counterclaim
U.S. District Court, District of Delaware, Case No. 05-349-GMS
Our Reference 018652-004000

Dear Jaclyn:

This letter responds to your correspondence to Annie Rogaski regarding the expected trial testimony of Lawrence Guiheen, who is the President of the BioPharmaceuticals SBU of Baxter's BioScience division.

Mr. Guiheen, who has been employed by Baxter Healthcare ("Baxter") since 1978, will testify to topics otherwise covered primarily in the depositions of Ron Lloyd, Matt Fazio, Dennis Young and Angela Blackshere. Baxter expects he will testify on direct, for approximately 30 minutes, regarding:

1. Baxter's historical and current involvement in the blood and plasma products industry, particularly that Baxter purified and sold Gammagard from 1986 - 1994, Gammagard S/D from 1994 - present, and Gammagard Liquid from 2005 - present. His testimony on this topic will include a discussion of the benefits of Gammagard Liquid that cannot be attributed to the purported invention disclosed in the '191 patent. Mr. Guiheen also will identify the other companies that sell IVIG products in the U.S. market in competition with Talecris and Baxter and the products that they sell.
2. Baxter's acquisition of Immuno A.G. in 1997, including its IVIG products, Iveegam and Endobulin.
3. Baxter's ownership and operation of blood and plasma collection centers, the cost of opening and operating those centers, the length of time to get plasma centers fully operational, the quantities of plasma obtained through them, and the costs of adding fractionation capacity. Mr. Guiheen will also testify that until 2005 Baxter

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LLP

Jaclyn M. Mason
June 20, 2007
Page 2

fractionated and sold plasma products for the American Red Cross. Mr. Guiheen will further testify that Baxter acquired the Polygam business from the American Red Cross in 2005.

4. The past and present balance between the supply of plasma and IVIG and the demand for IVIG. Mr. Guiheen will testify that Baxter, Talecris and all other FDA-approved sellers of IVIG currently can and do sell as much IVIG product as they can make. He also will testify that forces such as reimbursement policies and doctor's practices of prescribing IVIG generically impact supply, demand and profitability. Similarly, Mr. Guiheen may speak about the relationship between CSL and the Australian government.
5. If a witness is needed to sponsor into evidence Baxter's license agreements regarding blood and plasma products, Mr. Guiheen will serve as that witness.
6. To the extent it is necessary to authenticate Baxter financial statements for trial, Mr. Guiheen would do so.

Very truly yours,

TOWNSEND AND TOWNSEND AND CREW LLP


Megan M. Chung

M5C/lwh
61081731 v2

cc: Philip A. Rovner, Potter Anderson & Corroon LLP (via email)
Bradford J. Badke, Ropes & Gray LLP (via email)